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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,458	12/13/2001	Luis M. Ortiz	O&L 1000-1086	4602

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EXAMINER

YODER III, CHRISS S

ART UNIT	PAPER NUMBER
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2622

DATE MAILED: 10/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/015,458

Applicant(s)

ORTIZ ET AL.

Examiner

Chriss S. Yoder, III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5, 7-12, 14, 16, 18-22, 24, 28-31, 70 and 72 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 7-12, 14, 16, 18-22, 24, 28-31, 70 and 72 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed July 21, 2006 have been fully considered but they are not persuasive.

Applicant argues that Anderson is not anticipated to be operated as a "hand held device." However, the Examiner points out that Anderson teaches a portable device (column 5, lines 34-38) which is well within the range of being a hand held device.

Applicant also argues, that Anderson does not teach, hint at or suggest the simultaneous display of more than one video and the ability to select a single for viewing. However, Anderson was not relied upon to teach these limitations, but rather, Duhault was relied upon to teach the limitations of the simultaneous display of more than one video and the ability to select a single for viewing. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Applicant argues, with respect to Duhault, that it was only first published as a patent on September 24, 2002, and that Applicants' filed their patent application in December 2001; Therefore, Duhault would not have been available as a reference to those skilled in the art to be combined with Anderson as suggested by the examiner. However, the Examiner notes that the rejections using Duhault were made under 35

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U.S.C. 102(e)/103(a), which requires the references to meet the date restrictions under 35 U.S.C. 102(e), which are as follows with emphasis added:

"(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for **patent by another filed in the United States before the invention by the applicant** for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language."

Therefore, Duhault does not fail as a reference under 35 U.S.C. 103.

Applicant also argues, that Duhault does not discuss the use of portable devices, but rather a system. However, the Examiner points out that Duhault does disclose the use of a portable device that is used to display simultaneous videos in column 2, lines 23-37. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Duhault teaches that the simultaneous display of more than one video signal is preferred in order to allow the user to monitor multiple programs simultaneously (column 1, lines 26-28).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 2, 8-12, 18-22, 29-30, 31, 70, and 72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson, Jr. et al. (US Patent # 6,578,203) in view of Duhault (US Patent # 6,456,334).
2. In regard to claim 1, note Anderson discloses the steps of simultaneously transmitting more than one video signal captured by more than one video camera located at an entertainment venue said more than one video signal including at least one in-play camera view from at least one in-play camera located at an in-play location within the entertainment venue (column 2, line 66- column 3, line 15 and column 4, lines 31-46; figure 2: 22 and 25; the in-play cameras are considered to be the video cameras positioned around the event and the video signals are transmitted simultaneously), processing said more than one video signal for display on a display associated with a hand held device (column 6, lines 5-47; the video is processed in order to display the video that is selected by the user), and displaying said at least one in-play camera view on said display (column 6, lines 5-47).

Therefore, it can be seen that the Anderson device lacks the use of simultaneously displaying more than one in-play camera view. In analogous art, Duhault discloses the use of a hand held device that can simultaneously display

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multiple video signals (column 2, lines 16-31 and figure 1). Duhault teaches that the simultaneous display of more than one video signal is preferred in order to allow the user to monitor multiple programs simultaneously (column 1, lines 26-28). Therefore, it would have been obvious to one of ordinary skill in the art to modify the Anderson device to include the use of simultaneously displaying more than one in-play camera view as suggested by Duhault, in order to monitor several programs at the same time.

3. In regard to claim 2, note Anderson discloses enabling display of only one camera view associated with a video signal selected from the more than one video signal simultaneously displayed as at least two camera views on the display, said only one camera view selected in response to a user input at said hand held device (column 5, lines 1-15 and column 5, lines 40-45; only one signal is sent to the display after user selection).

4. In regard to claim 8, note Anderson discloses that said in-play camera location comprises placement within at least one racing car competing within a racing venue (column 6, lines 14-39).

5. In regard to claim 9, note Anderson discloses that said entertainment venue comprises a racing venue (column 2, line 65 – column 3, line 5).

6. In regard to claim 10, note Anderson discloses a method for transmitting entertainment venue-based in-play camera views comprising the steps more than one in-play camera simultaneously capturing in-play camera views from within an entertainment venue (column 3, lines 10-15; and figure 2: 22 and 25) and simultaneously transmitting said in-play camera views directly from said at more than

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one in-play camera to at least one hand held device (column 4, lines 45-54; and column 5, lines 22-37).

Therefore, it can be seen that the Anderson device lacks the use of simultaneously displaying more than one in-play camera view. Duhault discloses the use of a hand held device that can simultaneously display multiple video signals (column 2, lines 16-31 and figure 1). Duhault teaches that the simultaneous display of more than one video signal is preferred in order to allow the user to monitor multiple programs simultaneously (column 1, lines 26-28). Therefore, it would have been obvious to one of ordinary skill in the art to modify the Anderson device to include the use of simultaneously displaying more than one in-play camera view as suggested by Duhault, in order to monitor several programs at the same time

7. In regard to claim 11, note Anderson discloses the use of processing said in-play camera views at said at least one hand held device for display on a display associated with said at least one hand held device (column 6, lines 5-47; the video is processed in order to display the video that is selected by the user) and displaying video on said display associated with said at least one hand held device (column 6, lines 5-47), and Duhault discloses the simultaneous display of more than one in play camera view on said display (column 2, lines 16-31 and figure 1).

8. In regard to claim 12, note Anderson discloses displaying at least one in-play camera view selected from more than one in-play camera view to said hand held device in response to a user input (column 5, lines 1-9).

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9. In regard to claim 18, note the primary reference of Anderson in view of Duhault disclose the use of a method for transmitting venue-based in-play camera views for display at a hand held device as claimed in claim 11. Therefore, it can be seen that the primary reference of Anderson in view of Duhault fails to disclose that at least one of said in-play camera views is recorded in a memory for use as an instant replay. Official notice is taken that the concepts and advantages of using instant replay in video are notoriously well known and expected in the art. Therefore, it would have been obvious to one of ordinary skill in the art to modify the primary device to use a camera view that comprises an instant replay in order to highlight specific events (e.g. an important play in a sporting event).

Since applicant did not traverse the Official notice, the statement of common knowledge or well-known use of instant replay of video is taken to be admitted prior based on the requirement of MPEP § 2144.03(c).

10. In regard to claim 19, note Anderson discloses that said more than one in-play camera location comprise placement within at least one racing car competing within a racing venue (column 6, lines 14-39).

11. In regard to claim 20, note Anderson discloses that said venue comprises a racing venue (column 2, line 65 – column 3, line 5).

12. In regard to claim 21, note Anderson discloses the steps of simultaneously transmitting in-play camera views from in-play cameras located an in-play locations within a venue to enterprise equipment (column 3, lines 28-65; and figure 1: 22 and 28), processing said in-play camera views at said enterprise equipment for transmission to

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at least one hand held device for selective display at a display screen associated with said at least one hand held device (column 4, lines 32-54; and figure 2: 64, 67, and 71) and transmitting processed in-play camera views to at least one hand held device (column 4, lines 47-54).

Therefore, it can be seen that the Anderson device lacks the use of simultaneously displaying more than one in-play camera view. Duhault discloses the use of a hand held device that can simultaneously display multiple video signals (column 2, lines 16-31 and figure 1). Duhault teaches that the simultaneous display of more than one video signal is preferred in order to allow the user to monitor multiple programs simultaneously (column 1, lines 26-28). Therefore, it would have been obvious to one of ordinary skill in the art to modify the Anderson device to include the use of simultaneously displaying more than one in-play camera view as suggested by Duhault, in order to monitor several programs at the same time.

13. In regard to claim 22, note Anderson discloses the steps of receiving processed in-play camera views at said at least one hand held device from said enterprise equipment (column 4, lines 6-60; the in-play cameras are considered to be the video cameras positioned around the event), processing said in-play camera view for selective display on a display associated with a hand held device (column 6, lines 5-47; the video is processed in order to display the video that is selected by the user), and displaying at least one in-play camera view on said display associated with said at least one hand held device, thereby enabling a user of said hand held device to view said in-play camera views through said hand held device (column 6, lines 5-47), and Duhault

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discloses the simultaneous display of more than one in-play camera view and the selection of one view as said at least one processed in-play camera (column 2, lines 16-31 and figure 1).

14. In regard to claim 29, note Anderson discloses that said in-play camera locations comprise placement within at least one racing car competing within a racing venue (column 6, lines 14-39).

15. In regard to claim 30, note Anderson discloses that said venue comprises a racing venue (column 2, line 65 – column 3, line 5).

16. In regard to claim 31, note Anderson discloses the steps of simultaneously receiving in-play camera views provided from at least one in-play camera at a hand held device (column 4, lines 6-60; the in-play cameras are considered to be the video cameras positioned around the event), processing said in-play camera view for display on a display associated with a hand held device (column 6, lines 5-47; the video is processed in order to display the video that is selected by the user), and displaying said in-play camera view on said display, thereby enabling a user of said hand held device to view said in-play camera views through said hand held device (column 6, lines 5-47).

Therefore, it can be seen that the Anderson device lacks the use of simultaneously displaying more than one in-play camera view. Duhault discloses the use of a hand held device that can simultaneously display multiple video signals (column 2, lines 16-31 and figure 1). Duhault teaches that the simultaneous display of more than one video signal is preferred in order to allow the user to monitor multiple programs simultaneously (column 1, lines 26-28). Therefore, it would have been

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obvious to one of ordinary skill in the art to modify the Anderson device to include the use of simultaneously displaying more than one in-play camera view as suggested by Duhault, in order to monitor several programs at the same time.

17. In regard to claim 70, this is an apparatus claim, corresponding to the method of claim 31. Therefore, claim 70 has been analyzed and rejected as previously discussed with respect to claim 31.

18. In regard to claim 72, note the primary reference of Anderson in view of Duhault discloses the use of system for transmitting venue-based in-play camera views for display at a hand held device as claimed in claim 70. Therefore, it can be seen that the primary reference fails to disclose the use of a memory for recording at least one in-play camera view for display as an instant replay. Official notice is taken that the concepts and advantages of using memory for instant replay in video are notoriously well known and expected in the art. Therefore, it would have been obvious to one of ordinary skill in the art to modify the primary device to use a camera view that comprises an instant replay in order to highlight specific events (e.g. an important play in a sporting event).

Since applicant did not traverse the Official notice, the statement of common knowledge or well-known use of memory for instant replay of video is taken to be admitted prior based on the requirement of MPEP § 2144.03(c).

19. Claims 3, 5, 7, 14, 16, 24, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson, Jr. et al. (US Patent # 6,578,203) in view of Duhault (US Patent # 6,456,334) in further view of Narayanaswami (US Patent # 6,657,654).

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20. In regard to claim 3, note the primary reference of Anderson in view of Duhault discloses the use of method for transmitting venue-based in-play camera views for display at a hand held device as claimed in claim 1. Therefore, it can be seen that the primary reference fails to disclose the step of recording video signals on the hand held device in response to user input at the hand held device. In analogous art, Narayanaswami disclose the use of a handheld device that records data that is received from a camera (column 5, lines 45-47). It is commonly known in the art to record a video source in order to allow the user to playback the video at a later time. Therefore, it would have been obvious to one of ordinary skill in the art to modify the Anderson device to include the step of recording the video source in order to replay the video at a later time.

21. In regard to claim 5, note Narayanaswami discloses storing said video signals within a memory location in the hand held device (column 5, lines 45-47; the camera view is stored in memory 210).

22. In regard to claim 7, note the primary reference of Anderson in view of Duhault and Narayanaswami discloses the use of a method for transmitting venue-based in-play camera views for display at a hand held device as claimed in claim 3. Therefore, it can be seen that the primary reference fails to disclose that said video signals comprises at least one instant replay. Official notice is taken that the concepts and advantages of using instant replay in video are notoriously well known and expected in the art. Therefore, it would have been obvious to one of ordinary skill in the art to modify the

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primary device to use a camera view that comprises an instant replay in order to highlight specific events (e.g. an important play in a sporting event).

Since applicant did not traverse the Official notice, the statement of common knowledge or well-known use of instant replay of video is taken to be admitted prior based on the requirement of MPEP § 2144.03(c).

23. In regard to claim 14, note the primary reference of Anderson in view of Duhault discloses the use of method for transmitting venue-based in-play camera views for display at a hand held device as claimed in claim 11. Therefore, it can be seen that primary reference fails to disclose the step of recording a particular in-play camera view transmitted from said at least one in-play camera in response to a user input.

Narayanaswami disclose the use of a handheld device that records data that is received from a camera (column 5, lines 45-47). It is commonly known in the art to record a video source in order to allow the user to playback the video at a later time. Therefore, it would have been obvious to one of ordinary skill in the art to modify the primary device to include the step of recording the video source in order to replay the video at a later time.

24. In regard to claim 16, note Narayanaswami discloses storing said particular in-play camera view within a memory associated with the hand held device (column 5, lines 45-47; the camera view is stored in memory 210).

25. In regard to claim 24, note the primary reference of Anderson in view of Duhault discloses the use of method for transmitting venue-based in-play camera views for display at a hand held device as claimed in claim 22. Therefore, it can be seen that the

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primary reference fails to disclose the step of recording at least one in-play camera view in response to a user input. Narayanaswami disclose the use of a handheld device that records data that is received from a camera (column 5, lines 45-47). It is commonly known in the art to record a video source in order to allow the user to playback the video at a later time. Therefore, it would have been obvious to one of ordinary skill in the art to modify the primary device to include the step of recording the video source in order to replay the video at a later time.

26. In regard to claim 28, note the primary reference of Anderson in view of Duhault and Narayanaswami disclose the use of a method for transmitting venue-based in-play camera views for display at a hand held device as claimed in claim 24. Therefore, it can be seen that the primary reference fails to disclose that said at least one in-play camera view comprises an instant replay. Official notice is taken that the concepts and advantages of using instant replay in video are notoriously well known and expected in the art. Therefore, it would have been obvious to one of ordinary skill in the art to modify the primary device to use a camera view that comprises an instant replay in order to highlight specific events (e.g. an important play in a sporting event).

Since applicant did not traverse the Official notice, the statement of common knowledge or well-known use of instant replay of video is taken to be admitted prior based on the requirement of MPEP § 2144.03(c).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

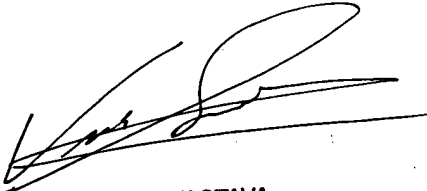
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chriss S. Yoder, III whose telephone number is (571) 272-7323. The examiner can normally be reached on M-F: 8 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CSY
September 21, 2006



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